



COMMUNITY DEVELOPMENT DEPARTMENT

Planning, Zoning and Building Safety
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Carlos De La Torre, P.E., Community Development Director

MEMORANDUM

TO: Keith Dennis, Planner II

FROM: Karen L. Lamberton, County Transportation Planner

SUBJECT: Ash Canyon Birding Site ADDENDUM: SU-11-01\Parcel #104-21-022

DATE: March 31, 2011

This memo is to provide you with additional detail regarding the transportation infrastructure consideration for the proposed Special Use Permit for birding activities at the Ash Canyon B & B, defined as a cultural, nature or historic exhibit in the County's zoning regulations.

The site takes access from state Highway 92 to Turkey Track Rd., a county-maintained primitive roadway, then to Spring Rd, a private road with underlying private easements to the Applicant's property. The ADOT apron off of Highway 92 is currently designed for single parcel access and is not built out to a multi-residential or commercial standard at this time (Ideally, the apron would be built out to a minimum 25 foot apron, 35 foot radii with a 4 or 5 unit cattle-guard. Currently the County is the Encroachment Owner of Record).

Turkey Track Rd., has a 50 foot public easement for the entire .693 mile length. Right-of-Way has not been perfected which is typical for the County's primitive roads. This roadway has been designated a rural minor access road, appropriate for low volume traffic less than 400 average trips per day (Design Standard D-103). Design standards for a local rural road would call for a minimum of a 20 foot cross-section, 8 foot shoulders and drainage ditch. Turkey Track Rd. has been routinely bladed about 1.8 times per year from 2003 through 2008. Re-shaping and storm repair work was completed in August of 2004 and again in December of 2009, including bringing in additional Aggregate Base materials. The last blading work was completed on February 17th in 2011. There have been no record of complaints or request for maintenance on Turkey Track Rd. in the highway department logs.

Spring Rd. has a number of recorded private easements with a total width of 15 feet and is primarily in a primitive natural state. These easements grant a generic ingress and egress without specification; in cases where easements are not specifically defined we look to the broadest interpretations such as that defined by A.R.S. § 28-7215 as "...rights of ingress and egress for public or emergency vehicles, all property owners, property owner guests and invitees and person lawfully conducting business on the land". However, the details of any given private easement are a civil matter between property owners, are outside the scope of our typical analysis and would

require a full title report to make any determination regarding legal access to any given parcel. Prior to 2006 there was a provision in our Zoning regulations requiring that a minimum of 20 feet was required to meet our standards for legal access but this provision (formally 1807.02A) is no longer in our regulations. In November of 2003, the applicant provided the County with a Private Maintenance Agreement for Spring Rd. from her driveway to Turkey Track Rd. per Zoning Regulation 1807.02 as part of her commercial permit for the 325 square foot B & B. This agreement requires the applicant to maintain this section of roadway "in a good driving condition" and as the holder of a commercial (and possibly Special Use Permit) the applicant has a higher duty to assist with maintenance on the roadway than they would if only a residential use was occurring at this site.

A free-standing sign was also approved as part of the 2003 commercial permit and the applicant has been advised that the sign should be placed a minimum of 10 feet back from her property line.

There has been much discussion over the last few months regarding traffic in this area. Currently 18 addresses take access on or from Turkey Track Rd. Approximately 172 trips per day would be typically generated by the residential uses based on the ITE Manual, 8th edition with a potential range of 72 to 378 trips per day. The last two traffic counts obtained by the County are consistent with these numbers, with a July 1997 count of 185 and a December 1998 count of 72. The applicant's site was determined to have an average trip generation rate slightly higher than the typical single family residential unit with seasonal variations based on the birding season. Per person counts of activity at this site in 2010 averaged 9.7 people per day with most activity occurring between March through May and in August. The residential use, combined with the Bed and Breakfast use and the birding activity on the site was determined to typically range between 22 and 36 trips per day (as compared to a single family residential unit range of 4 to 21 trips per day). The greatest impact on the roadway is not the number of trips but rather the increase in the number of larger vans and, recently, an occasional tour bus traveling to this site.

Cochise County has over 835 miles of dirt roads that it maintains, many with substantively more traffic traveling on them than is using Turkey Track Rd. 146 miles of county dirt roads has been identified for future improvement: Turkey Track Rd. was not on this list. Although there are additional undeveloped parcels that could take access off of Turkey Track in the future it is not anticipated that traffic would exceed the current design threshold of 400 trips per day, even with the Ash Canyon B & B and birding activities. It was considered requiring improvement to Turkey Track Rd., and or Spring Rd. to mitigate traffic impacts. To improve Turkey Track Rd. to a chip-sealed surface would require a contribution of approximately \$124,000 for an in-house project (estimated \$40,000 in materials if this were brought to us as a Private Partnership project) and approximately \$270,000 for a contracted job. Costs would increase to about \$177,000 to include Spring Rd. along with costs to obtain or perfect additional right-of-way from property owners in that corridor.

When considering a potential condition to exact an infrastructure improvement, the County has a duty per A.R.S. §11.810 to analyze the impacts of any proposed use and determine whether:

1. There is an essential nexus between the dedication and the exaction;
2. That the exaction will serve a legitimate governmental interest; and

3. That the exaction is "roughly proportional" to the impact of the proposed use, improvement or development.

In this case the increase in the number of trips generated by this use was not determined to reach a threshold where a condition to require improving the existing roadway to a higher design standard was reasonable. During the low season this use would not exceed that of a single family household; during the three months of the height of the birding season an average increase of about 7-10 vehicles per day over a typical single family household might occur. Most of those additional trips would be occurring during off-peak and day-light hours. Typically, the threshold for requiring transportation infrastructure occurs when the change in trip generation of the proposed use exceeds the design standards of the roadway; peak hour turning movements exceed 25 per day; an increase of more than 250 new trips per day is generated or the percentage of increase is disproportionate to the previous uses, among others.

There are a number of permitted uses in RU-4 that could potentially have a much more substantive trip generation and impact on these roadways. For example, recently reviewed commercial permits for RU-4 zoned properties included a church with an estimated 209 trips per day with a requirement for at least 92 parking spaces; a specialty furniture store, estimated at 59 trips per day; a guest ranch with nine casitas, estimated at 53 trips per weekday/90 trips per day during the weekends.

There are on and off-site circulation issues that it was felt could be better addressed by the Applicant given the intent to formalize the birding activities on the site. Two meetings have been held on-site with the Applicant and preliminary concepts have been developed but it has been premature to create a site plan and require these improvements until the Special Use Permit has moved through the appeal process.

Recommendation

Parking orientation, traffic circulation, accommodation of intermittent larger vehicles, pedestrian circulation, minimum ADA standards and way-finding are issues that will be addressed prior to commercial permit issuance per Condition #2 if the Board upholds the Commission's approval of the Special Use. Given that Applicants are given 12 months to apply for a use permit after receiving their approved Special Use it is likely this condition would be addressed over a period of several months.

The findings of the Jan. 26, 2011 transportation memo that the proposed use is likely to produce trips slightly higher than the high end of a typical single family residential unit with seasonal variations and no specific off-site improvements were determined to be required are unchanged. Although in this situation it might be possible, and even appropriate, to work voluntarily with the applicant to seek contribution for improvement of the roadway it was felt, based on traffic analysis alone, that the impacts did not reach to requiring such a condition.

cc: Docket SU-11-01